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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 29 April 2016 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement issued by the Ministry of Foreign Affairs of the Republic of South Ossetia addressed to the States Members of the United Nations, the participating States of the Organization for Security and Cooperation in Europe and the States members of the Council of Europe (see annex).

I should be grateful if this statement could be circulated as a document of the General Assembly, under agenda item 35.

(*Signed*) V. **Churkin**

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Annex to the letter dated 29 April 2016 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Statement by the Ministry of Foreign Affairs of the Republic of South Ossetia addressed to the States Members of the United Nations, the participating States of the Organization for Security and Cooperation in Europe and States members of the Council of Europe

Since 2009, Georgia has every year submitted a draft resolution to the General Assembly on the status of internally displaced persons and refugees from Abkhazia and South Ossetia. The text of the resolution imposed on the international community by Georgia contains no reference to the fact that the appearance of these refugees and internally displaced persons is directly related to the wars waged by Georgia against South Ossetia and Abkhazia. Nor is there any reference to the fact that over 100,000 Ossetians have become refugees as a result of ethnic cleansing in Georgia, and that the Georgian authorities have done nothing at all since then to solve the problems of the refugees.

The refugee issue has been a harsh reality of life for several generations in South Ossetia over the past 100 years. It began in June 1920, when Georgian forces carried out a brutal massacre and set fire to our entire country for refusing to recognize the authority of Georgia, which had decided to secede from Russia and take with it the Ossetian lands. Several thousand Ossetians then became victims of genocide. Almost the entire surviving Ossetian population was forced to flee through the passes of the Great Caucasus Range into Russian territory. The resettlement commission set up by the Georgian Government worked tirelessly for a few months to remove all Ossetians from the territory of South Ossetia and to relocate Georgian peasants to Ossetian lands, distributing among them the movable and immovable property confiscated from the Ossetians.[1]

Ossetian refugees were able to return only a year later, in 1921, after the Red Army had entered Georgia. The Bolsheviks then divided up Ossetia, handing over the southern area to the Georgian Soviet Socialist Republic, while the northern area remained part of the Russian Soviet Federative Socialist Republic. South Ossetia was granted autonomous status within the Georgian Soviet Socialist Republic, but that status was not sufficient protection for the national rights of the Ossetians, who suffered discrimination and harsh repression by the nationalistically inclined powers of Soviet Georgia. In the second half of the 1940s, about ten per cent of the Ossetian population in the autonomous district was forced to move to North Ossetia, thereby becoming forcibly displaced persons.

At the end of the 1980s, radical nationalism was on the rise in Georgia, and one of its regular slogans was "Georgia for the Georgians". There were open calls to remove all Ossetians and other non-Georgians from the country, abolish the autonomous status, forbid non-Georgians from having more than two children and prohibit the use of non-Georgian languages in the workplace and in education.

[1] Genotsid osetin: 1920 (dokumenty I materialy) [the genocide of the Ossetians: 1920 (documents and materials)], Tskhinvali, 2009, pp. 81-83.

Attempts by South Ossetia to establish legal guarantees for its autonomous status were categorically rejected, and a campaign was launched to abolish the autonomous status.

Georgian nationalists soon moved on from political declarations on the issue to violent action. The escalation of armed violence against the Ossetians not only in the territory of South Ossetia, but also within Georgia itself, resulted in a stream of refugees forced to flee from the Georgian gunmen. Ossetians from the Borjomi district of Georgia were forced to cross the mountain passes and seek refuge in Armenia. Hundreds of Ossetians disappeared without trace in Georgian territory.

Even Ossetians in South Ossetia began to experience harassment in villages with mixed populations. Their Georgian neighbours, influenced by propaganda and with armed support from Tbilisi, forced the Ossetians to abandon their homes, which were then looted and burned or were taken over by Georgians, just as had occurred in 1920. Ossetian villages were attacked by gangs of Georgian gunmen who massacred the Ossetian inhabitants and burned their homes. Unfortunately, these events did not receive adequate attention from the international community and these crimes were not duly condemned. Over 100,000 Ossetian refugees fled Georgia and Ossetian towns in South Ossetia in 1991 and 1992, and they found refuge, just as they had in 1920, in North Ossetia and other entities of the Russian Federation.

The ethnic cleansing and genocide of the Ossetians perpetrated by Georgia caused great concern. In May and June 1992 the Russian Federation, which could not stand idly by, applied all possible political leverage to compel Georgia to stop the armed violence. The agreement on principles for the settlement of the Georgia-Ossetia conflict[2] (Sochi agreement), signed in Sochi on 24 June 1992, provided for a ceasefire, the creation of a trilateral peacekeeping force (Georgia, Russia and South Ossetia) and the beginning of negotiations for the return of refugees. Over the intervening years, however, the number of Ossetians who have returned to Georgia and regained their property has not reached thousands or even hundreds. The Georgian forces have used all kinds of tricks to deny the Ossetians the right to the return of their seized property.

Nevertheless, the Georgian authorities have recognized the existence of the Ossetian refugee issue. The former President of Georgia, Eduard Shevardnadze, referred to this issue on several occasions. During the negotiations for a settlement of Georgia-Ossetia relations, some steps were taken to resolve the refugees' problems. According to the statement made following the meeting between the President of Georgia, Eduard Shevardnadze, and the President of the Republic of South Ossetia, Ludvig Chibirov, on 14 November 1997, the parties noted with satisfaction that over the past year some progress had been made with regard to the return of refugees. The Georgian side once again confirmed its willingness to facilitate the return of Ossetian families who had been forced to leave areas of Georgia that were outside the conflict zone on account of the illegal actions taken against them. It had been recognized that the year 1998 should be the year of the return of the refugees and forcibly displaced persons to their former places of residence, and the relocation was to be organized within the framework of the Joint Control Commission.[3]

[2] *Rossiyskaya gazeta*, No. 145, 26 June 1992.

[3] *Yuzhnaya Osetiya*, No. 65 (4771) (17 November 1997).

Under the agreement of 24 June 1992, the parties had established the Joint Control Commission on the settlement of the Georgia-Ossetia conflict. The Commission formed an ad hoc committee in 1997 to support the voluntary return of refugees and forcibly displaced persons and adopted a procedure for the voluntary return to their places of former permanent residence of refugees and persons forcibly displaced as a result of the Georgia-Ossetia conflict.[4] In the context of the committee's efforts, and with support from the Office of the United Nations High Commissioner for Refugees, a few hundred Georgian families had returned (mainly to the Znauri district) by 2004, whereas only a few dozen Ossetian families had returned to Georgia. Only four of those Ossetian families managed to stay there, while the rest were forced to return to North or South Ossetia because of the lack of even minimal living conditions for them in Georgia and the continuing threat to their security. The main reasons for Ossetians not returning to Georgia were and continue to be: the lack of security guarantees, the absence of a right to the return of their seized homes, the lack of job prospects and the lack of opportunity to receive an education in their native language or in the Russian language.

Under pressure from the international community, the Georgian authorities reported for a number of years on the preparation of a bill on property restitution and payment of compensation to victims of the conflict in the former South Ossetian Autonomous District in the territory of Georgia. The law was passed in 2006, but not a single Ossetian family has received compensation or had their rights to forfeited property upheld on the basis of that law.

In all of the intervening years, Ossetian refugees and forcibly displaced persons have received assistance only from the authorities of the Russian Federation and North Ossetia, the entity of the Russian Federation that received the main influx of refugees, the authorities of the Republic of South Ossetia and also, to a limited extent, the Office of the United Nations High Commissioner for Refugees. Thanks to this assistance, the majority of the refugees have settled down in their new areas, but they have not received any compensation from Georgia for the material and moral damage suffered. The pressing issue of Ossetian refugees from Georgia still needs to be addressed.

Over the period 2007-2008, the Georgian special services organized a continuous series of cruel terrorist acts and murders of Ossetians in an attempt to provoke retaliation. Having failed to achieve this goal, on the night of 8 August Georgian forces carried out an armed attack on South Ossetia.[5] North Ossetia once again received an influx of refugees. The North Ossetian services counted over 35,000 Ossetian refugees who crossed the border during the August war, most of them older people or women with children.

A few days after the invasion of South Ossetia had begun, the aggressor was stopped by Russian troops and forced to make peace. The Ossetian refugees began to return, and most of those who were displaced because of the 2008 war have now

[4] Protocol No. 7 of the 13 February 1997 meeting of the Joint Control Commission on the settlement of the Georgia-Ossetia conflict.

[5] After conducting an investigation, the special independent commission set up by a decision of the Council of the European Union of 2 December 2008, headed by Ms. Heidi Tagliavini, published its report on 30 September 2009, in which it was confirmed that Georgia had started the war (see Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, September 2009, vol. II, p. 209).

returned. A few thousand Georgian-speaking inhabitants have also returned to South Ossetia (which has a total population of 53,500), to the Leningorsk district that had been liberated from Georgian occupation, an occupation that had lasted from 1992 to August 2008. Some of the ethnic Georgians who were removed by the Georgian authorities from the area of presumed military activity prior to the invasion, together with local fighters who took part in the attack on South Ossetia and then fled to Georgia, are still displaced.

The refugee issue was first taken up at the international level in the Geneva discussions that began in October 2008 under the Medvedev-Sarkozy plan. Several productive meetings took place in that forum in 2008 and 2009, at which the participants began to discuss approaches to the refugee issue. In 2009 the South Ossetian side unilaterally proposed an initiative for the return of refugees to the Leningorsk region. However, the Georgian side criticized and rejected this initiative.

Instead of consistently working to resolve the complex and multidimensional refugee issue, in 2009 Georgia chose to politicize the issue by introducing a draft General Assembly resolution on refugees and displaced persons from Abkhazia and South Ossetia, an action that it has repeated annually ever since. The heavily politicized text of this resolution, which the Georgian authorities have imposed on the international community, manipulates the humanitarian issue. Rather than an attempt to resolve the humanitarian problem, the text reflects Georgia's pursuit of a political goal — a declaration of the non-existent "territorial integrity" of Georgia within the borders of the former Georgian Soviet Socialist Republic.

While politicizing the refugee issue and reaffirming the need for humanitarian access, the Georgian authorities are in fact blocking such access and hindering contacts between representatives of international organizations and the refugees from Georgia who are now in South Ossetia. In October 2015, the Office of the United Nations High Commissioner for Refugees and the South Ossetian authorities reached an agreement regarding the visit to South Ossetia of representatives of the Office, who were to assess the situation of refugees living in collective accommodation in that country and consider the provision of additional humanitarian assistance. However, at the last minute, the representatives were forced to postpone their visit on account of interference from Georgia.

South Ossetia calls for the important humanitarian issue of refugees to be depoliticized. The country's legislation does not permit any discrimination against citizens on the grounds of ethnicity or religion. The population of the Republic has equal access to Government services without regard to ethnicity. There are schools in South Ossetia where pupils from the Georgian minority can receive their primary and secondary education in the Georgian language. Regardless of ethnicity, all citizens have the right to return to the country. At the same time, the direct exercise of this right will be determined to a large extent by the approach of the Georgian side to the issue of the ethnic Ossetians who were victims of ethnic cleansing by Georgia.

South Ossetia calls for a consistent and incremental solution to this problem in accordance with international law and taking into account the current situation in the region. These issues must be discussed in a forum at which Georgia, South Ossetia and Abkhazia are all represented, so that balanced and truly valid decisions, including with regard to refugees, can be taken. The only possible forum at present is the platform provided by the Geneva discussions on security and stability in the South Caucasus. In the General Assembly, however, Georgia is politicizing the issue

of refugees and forcibly displaced persons, and this is undermining the meaningful work on this issue conducted in Geneva. If Georgia prefers to bring the discussion of the refugee question to an authoritative international body such as the United Nations General Assembly, then South Ossetia insists that its representatives should be given the opportunity to present their position to the States Members of the United Nations.

Unfortunately, the South Ossetian side has been deprived of the opportunity for contact with the Main Committees of the General Assembly and with the delegations of States Members of the United Nations, as the United States State Department, abusing its position as the host country of the United Nations, refuses to grant entry into the United States to the official representatives of the Republic of South Ossetia.

We call on the States Members of the United Nations to address this discriminatory practice, which contradicts existing international norms, and take the necessary action to ensure that Ossetian representatives can enter the United States and have access to the United Nations Headquarters in New York so that they can present the position of the Republic of Ossetia on the refugee issue prior to the vote in the General Assembly on the issue of refugees from South Ossetia and Abkhazia.

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